

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 5/10/10 Monday Dept: 1A

(Posted 5/6/10)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: 10CV36359 [S] BENJAMIN v MYERS
Type: P.I. MOTOR VEHICLE Date Filed: 01/05/10
Event: CASE MANAGEMENT CONFERENCE-CIVIL
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: BENJAMIN, MARY
DEFNDT: MYERS, DANIEL

ATTY: YOUNG.WARD ATTORNEYS

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 9/13/10.

2. **1:00 PM** Case: 10CV36451 [S] CITIBANK v SMITH
Type: DEBT/COLLECTIONS Date Filed: 02/18/10
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
07/12/10 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: CITIBANK SOUTH DAKOTA NA
DEFNDT: SMITH, THOMAS L

ATTY: HARRIS & ZIDE

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

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3. 1:00 PM Case: 10CV36459 [S] AMERICAN GEOLOGICAL v THANDI
Type: MECHANICS LIEN Date Filed: 02/22/10
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
07/12/10 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: AMERICAN GEOLOGICAL SERVICES INC ATTY: GEE, DOUGLAS M. ESQ
DEFNDT: THANDI, KASHMIR
Service Date/Type: 03/06/10 SUB 00/00/00
DEFNDT: SAN ANDREAS GAS MART

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

4. 1:00 PM Case: 10CV36482 [S] WELLS FARGO BANK NA v SEARS
Type: REAL PROPERTY Date Filed: 02/26/10
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
07/12/10 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: WELLS FARGO BANK NA ATTY: WECHSLER, GLENN H. ESQ
DEFNDT: SEARS, TIM A
DEFNDT: SEARS, CHRISTINA ANNA MARIE

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

5. 1:00 PM Case: 10CV36491 [S] HURD v MURPHY
Type: OTHER NON PI, PD, WD TORT Date Filed: 03/01/10
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
07/19/10 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

Related cases NOT on this calendar: 10CV36565 ,
PLNTFF: HURD, CHARLES DAVID NOAH ATTY: IN PRO PER
DEFNDT: MURPHY, OLEN ATTY: BORTON PETRINI LLP
DEFNDT: CITY OF ANGELS CAMP ATTY: BORTON PETRINI LLP

Tentative Ruling: Progress in this matter is pending an amended complaint. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:00 PM on 7/19/10.0

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6. 1:00 PM Case: 10PR7137 [S] BERARDY v BERARDY
Type: COMMUNITY PROPERTY PETITION Date Filed: 03/22/10
Event: CASE MANAGEMENT CONFERENCE/TRIAL SETTING

PETNR: BERARDY, WILLIAM LOUIS ATTY: WILLIAMS, CHRISTOPHER D. ESQ
RESP: BERARDY, CAROL ATTY: HEADLEY, FRANCES A. ESQ
Service Date/Type: 00/00/00 Answer Date: 04/02/10

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 10/18/10.

7. 1:00 PM Case: CF8697 [M] DISCOVER BANK v PEREIRA
Type: COLLECTIONS Date Filed: 06/24/09
Priority Info: RULE 3.740
Event: OSC RE SANCTIONS [CRC 3.740(e)]

PLNTFF: DISCOVER BANK ATTY: MANN BRACKEN LLP
DEFNDT: PEREIRA, MICHELLE

Tentative Ruling: Plaintiff failed to file proper proof of service on all defendants or a declaration as previously ordered. Plaintiff is Ordered to Show Cause [CRC 3.740(e)] why \$50 per unserved defendant should not be imposed at a hearing in Department 1A at 1:00 PM on 9/13/10.

8. 1:00 PM Case: CF8913 [M] TARGET NATIONAL BANK v LANGENBAHN
Type: COLLECTIONS Date Filed: 10/20/09
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: TARGET NATIONAL BANK ATTY: CIR LAW OFFICES
DEFNDT: LANGENBAHN, RONALD L

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 9/13/10.

9. 1:00 PM Case: CV33466 [S] SHARP v BYKER
Type: FRAUD Date Filed: 02/23/07
Priority Info: STAYED
Event: FURTHER CASE MANAGEMENT CONFERENCE;
STATUS OF STAY

Related cases NOT on this calendar: CV28453 , CV31388 ,
PLNTFF: SHARP, CLARA ATTY: MADISON HARBOR ALC
DEFNDT: BYKER, DANNY ATTY: FOLEY LAW OFFICES, KENNETH M.
Service Date/Type: 03/12/07 PER Answer Date: 04/11/07
DEFNDT: BYKER, JUDITH ATTY: FOLEY LAW OFFICES, KENNETH M.
Service Date/Type: 03/12/07 PER Answer Date: 04/11/07

Tentative Ruling: This matter is stayed. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 11/8/10.

10. 1:00 PM Case: CV33826 [S] DAVIS v MONGELLI JR
Type: P.I. MOTOR VEHICLE Date Filed: 06/21/07
Event: CASE MANAGEMENT CONF/TRIAL SETTING
JURY FEES POSTED BY DEFENDANT

PLNTFF: DAVIS, WILLIAM ALLEN ATTY: WHIPPLE, PETER J. ESQ
DEFNDT: MONGELLI, NICHOLAS JOSEPH JR. ATTY: MCKONE LAW OFFICES, MICHAEL M
Service Date/Type: 00/00/00 Answer Date: 07/26/07

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 60 days out and for Trial in Dept. 1 approximately 90 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 3 day jury trial.

11. 1:00 PM Case: CV34353 [S] GOLD STRIKE HEIGHTS v FINANCIAL PACIFIC
Type: BREACH OF CONTRACT Date Filed: 01/09/08
Priority Info: 170.6 TAS
Event: TRIAL SETTING CONFERENCE - CIVIL
170.6 TAS
JURY FEES POSTED BY PLAINTIFF

Related cases NOT on this calendar: CV34900 , CV35141 , CV35862 ,
PLNTFF: GOLD STRIKE HEIGHTS HOA ATTY: THOMAS & ASSOCIATES
ASSINEE LEE, DON H ATTY: IN PRO PER
DEFNDT: FINANCIAL PACIFIC INSURANCE CO ATTY: HOLLINGSHEAD & ASSOCIATES
Service Date/Type: 01/10/08 PER Answer Date: 03/13/09
DEFNDT: WESTWIND DEVELOPMENT INC ATTY: PARISH & SMALL
Service Date/Type: 02/26/08 PER Answer Date: 01/21/09

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 6 at 9:00 AM on June 24, 2010. In limine motions will be heard in the morning of June 24th with jury selection to commence in the afternoon at 1:30 PM. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 5 day jury trial.

12. 1:00 PM Case: CV34421 [S] PURCELL v WILLIAMS
Type: BREACH OF CONTRACT Date Filed: 02/15/08
Event: FURTHER CASE MANAGEMENT CONFERENCE

PLNTFF: PURCELL, GILBERT L. ATTY: BRAYTON PURCELL LLP
DEFNDT: WILLIAMS, TINA
Service Date/Type: 04/11/08 PER 00/00/00
DEFNDT: WILLIAMS, CHARLES
Service Date/Type: 04/14/08 PER 00/00/00

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 11/8/10.

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13. 1:00 PM Case: CV34488 [S] BUREAU VERITAS v DEVELOPERS MARINA RID
Type: BREACH OF CONTRACT Date Filed: 03/07/08
Event: FURTHER CASE MANAGEMENT CONFERENCE
Event: CONTINUED OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: BUREAU VERITAS NORTH AMERICA INC ATTY: TURNER LIU LLP
DEFNDT: DEVELOPERS MARINA RIDGE
DEFNDT: MARINA RIDGE LLC
DEFNDT: DOUBINSKI, LEONID

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 11/8/10.

14. 1:00 PM Case: CV34557 [S] ADAMS v MID SIERRA BUILDERS
Type: BREACH OF CONTRACT Date Filed: 04/01/08
Priority Info: TRANSFER IN FROM PLACER COUNTY
Event: FURTHER CASE MANAGEMENT CONFERENCE

PLNTFF: ADAMS, CLAUDIA ATTY: OCHRACH LAW OFFICES, JEFFREY
XD/XC RUMPH, ROGER D ATTY: BECHELLI LAW OFFICES, F. JOSE
Service Date/Type: 00/00/00 Answer Date: 12/29/09
DEF/XC: JOSES, CRAIG ATTY: MATHENY SEARS LINKERT & JAIME
Service Date/Type: 06/12/08 PER Answer Date: 09/23/08
DF/X-D: KUNTZ, KEITH
Service Date/Type: 06/12/08 PER 00/00/00
D/XD/XC MID SIERRA BUILDERS INC. ATTY: FOLEY LAW OFFICES, KENNETH M.
Service Date/Type: 01/23/08 PER Answer Date: 04/29/08
D/XD/XC JOHNSON, DERALD W. ATTY: FOLEY LAW OFFICES, KENNETH M.
Service Date/Type: 01/23/08 PER Answer Date: 04/29/08
X-DEFT FLYNN, MICHAEL R ATTY: LEWIS BRISBOIS BISGAARD & SMI
Service Date/Type: 00/00/00 Answer Date: 02/05/10
X-DEFT GEOTECHNICAL RESEARCH & DEVELOPME ATTY: MILWARD & VOGT LAW OFFICES
Service Date/Type: 00/00/00 Answer Date: 02/05/10
AKA: GRD

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 10/18/10.

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15. 1:00 PM Case: CV36013 [S] MELTON v HARRIGAN
Type: FRAUD Date Filed: 08/27/09
Event: FURTHER CASE MANAGEMENT CONFERENCE
Event: CONTINUED OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: MELTON, GARRETT H ATTY: DAMBACHER TRUJILLO & WRIGHT
PLNTFF: MELTON, KATHY ATTY: DAMBACHER TRUJILLO & WRIGHT
DEFNDT: HARRIGAN, WILLIAM H
Service Date/Type: 01/11/10 SUB 00/00/00
AKA: HARRIGAN, BILL
DEFNDT: INTERO REAL ESTATE SERVICES INC
Service Date/Type: 01/12/10 PER 00/00/00
DEFNDT: INTERO REAL ESTATE HOLDINGS INC
Service Date/Type: 01/12/10 PER 00/00/00
DEFNDT: INTERO COMMERCIAL
Service Date/Type: 01/12/10 PER 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 8/9/10.

16. 1:00 PM Case: CV36022 [S] CARPENTER v FORREST MEADOWS
Type: WRONGFUL TERMINATION Date Filed: 08/27/09
Event: FURTHER CASE MANAGEMENT CONFERENCE

PLNTFF: CARPENTER, MICHELLE ATTY: BOHM LAW GROUP
DEFNDT: FORREST MEADOWS OWNERS ASSOCIATIO
Service Date/Type: 09/29/09 NAR 00/00/00

Tentative Ruling: The case has been removed to Federal Court. This court anticipates plaintiff's filing of a dismissal without prejudice. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 11/8/10.

17. **1:30 PM** Case: CV35669 [S] YOUNG v GENDLER
Type: LEGAL SEPARATION WITHOUT MINOR Date Filed: 04/28/09
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: YOUNG, SANDI LYNN ATTY: TRIFILO, JOHN J. ESQ
RESP: GENDLER, HOWARD EVAN
Service Date/Type: 04/29/09 PER 00/00/00

Tentative Ruling: The parties were considering reconciliation. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 11/8/10.

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18. 1:30 PM Case: CV35856 [S] MORRIS v MORRIS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/29/09
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: MORRIS, ROY ALLEN ATTY: WOOD, DARLENE D ESQ
MINOR: MORRIS MINORS P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: MORRIS, DENIELLE MARIE ATTY: SALAZAR, ANTHONY T. ESQ
Service Date/Type: 07/04/09 NAR Answer Date: 07/13/09

Tentative Ruling: Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 8/9/10.

19. 1:30 PM Case: CV35871 [S] KENWORTHY v KENWORTHY
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 07/02/09
Event: FURTHER CASE MANAGEMENT CONFERENCE;
RETURN ON MEDIATION

Related cases NOT on this calendar: CV34874 ,
PETNR: KENWORTHY, BARBRALICE R. ATTY: IN PRO PER
RESP: KENWORTHY, WILLIAM A.
Service Date/Type: 07/19/09 PER 00/00/00

Tentative Ruling: The parties should appear to affirm their mediated custody agreement. This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 8/9/10.

20. 1:30 PM Case: CV36015 [S] CAMPA-CAMPBELL v GAGE
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 08/28/09
Priority Info: CONFIDENTIAL FILE
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: CAMPA-CAMPBELL, JESSE ATTY: IN PRO PER
GDN/AL: STOREY, MELISSA
MINOR: CAMPA-CAMPBELL MINOR P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: GAGE, CHELSEA ATTY: IN PRO PER
Service Date/Type: 10/16/09 PER Answer Date: 11/03/09

Tentative Ruling: If a final Judgment (FL-240/250) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/13/10.

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21. 1:30 PM Case: CV36103 [S] BARNES v WILLOUGHBY
Type: DISSOLUTION WITHOUT MINOR CHILD Date Filed: 10/01/09
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: BARNES, NYNETTE M. ATTY: IN PRO PER
RESP: WILLOUGHBY, MARK W.
Service Date/Type: 10/01/09 PER 00/00/00

Tentative Ruling: There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 9/13/10.

22. 1:30 PM Case: CV36106 [S] ZAMACONA v ZAMACONA
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/02/09
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: ZAMACONA, CHRISTIANE D. ATTY: IN PRO PER
RESP: ZAMACONA, VINCENT

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 8/9/10.

23. 1:30 PM Case: CV36121 [S] SCHMUCK v THEOKTISTOU
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/06/09
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: SCHMUCK, DANIELLE RAYE ATTY: IN PRO PER
RESP: THEOKTISTOU, PETER G

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 8/9/10.

24. 1:30 PM Case: PR7033 [S] GUARD OF HONORE
Type: GUARDIANSHIP OF A MINOR Date Filed: 11/13/08
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases NOT on this calendar: CV31103 ,
PETNR: TEMPLE, IRMGARD ATTY: IN PRO PER
MINOR: HONORE, LUCAS

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 8/9/10.

25. **2:30 PM** Case: 10FL36526 [S] BOLTON v BOLTON
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/09/10
Event: SETTLEMENT AND TRIAL SETTING CONF ON
PETITIONER'S OSC CUSTODY AND VISITATION
GRANT V. BARRETT, JUDGE PRO TEM

Related cases NOT on this calendar: 10CS36599 , 10CH36594 ,
PETNR: BOLTON, CHRISTOPHER R ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
MINOR: BOLTON MINORS P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: BOLTON, JOANNA E ATTY: IN PRO PER
Service Date/Type: 03/09/10 PER Answer Date: 04/06/10

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

26. 2:30 PM Case: CV35123 [S] GALUSHA v GALUSHA
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/03/08
Event: SETTLEMENT CONFERENCE/TRIAL SETTING
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: GALUSHA, SANDRA ATTY: CALDERWOOD, BRUCE G ESQ
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
RESP: GALUSHA, KEETER W. ATTY: SALAZAR, ANTHONY T. ESQ
Service Date/Type: 10/23/08 PER Answer Date: 03/24/09
CLAMNT: VANGUARD FIDUCIARY TRUST COMPANY
CLAMNT: AGCO CORPORATION

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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